

North Carolina Tobacco Use Prevention and Control Policies and FY 2019-20 State Funding

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Smoking and Tobacco Use Restrictions

Smoking is prohibited in several specific types of places in North Carolina, including:

- state government buildings and vehicles,
- long-term care facilities and
- all restaurants and bars.

The use of tobacco products, including e-cigarettes, is prohibited completely in and on the grounds of:

- public schools and
- state correctional facilities.

G.S. 130A-491 to 130A-498 (2010), G.S. 115C-407 (2007), G.S. 131D-4.4 (2007) and G.S. 131E-114.3 (2007). Administrative rules 10A NCAC 39C .0101-.0103 implemented for the smoke-free restaurants and bars law. (2010)

Stronger Local Government Laws on Smoking and Tobacco Use

Stronger local laws/ordinances further restricting smoking and tobacco use are allowed in enclosed public places, (where the public is permitted or invited), local government buildings, local government vehicles and all local government grounds. G.S.130A-498 (2010)

Local community college boards of trustees are allowed to prohibit the use of any tobacco product on community college campuses, in community college vehicles, on any other community college property and at any community college-sponsored event. G.S.115D-20.1 (2008)

UNC system universities are allowed to prohibit smoking within 100 linear feet of campus buildings. The law also allows the medical facilities of UNC-Chapel Hill and East Carolina University to completely prohibit smoking on the grounds and walkways of these facilities. G.S.143-596 (2007)

State Operated Health Care Facilities

NC Mental Health Commission amended a rule to prohibit the use of tobacco anywhere on the grounds of state operated healthcare facilities. All 14 state-operated mental health, developmental disability and substance abuse treatment facilities adopted a tobacco-free campus policy. The policy includes all tobacco products, including e-cigarettes. Effective July 2015.

Privately Owned, Government-Subsidized Housing

To receive tax credits from the NC Housing Finance Agency to finance the development of affordable housing, a housing developer must agree that the property being developed will have a smoke-free policy. This requirement first went into effect in the agency's 2015 Qualified Allocation Plan. It reads: "Owners must prohibit smoking in all indoor common areas, individual living areas (including patios and balconies), and within 25 feet of building entries or ventilation intakes. A non-smoking clause must be included in the lease for each household." (2015)

Child Care Facilities

Tobacco use is prohibited on the property of child care centers at all times and tobacco use is prohibited on the property of family child care homes during operational hours. All tobacco materials shall be kept in locked storage or out of the reach of children. 10A NC ADMIN CODE 09.0604 (2017)

Tax on Cigarettes

Tax rate per pack of 20: 45 cents

Dates of last changes: 5 cents to 35 cents in 2005-06 and from 35 cents to 45 cents in 2009. G.S.105-113.5 (2005-06) and (2009)

Tax on Other Tobacco Products

Tax rate is 12.8 percent of the wholesale price of the products.

Dates of last changes: 3% to 10% of the wholesale price of the products in 2005 and 10% to 12.8% of the wholesale price of the products in 2009.

G.S. 105-113.35(a) (2005) and (2009)

Tax on E-cigarettes

Tax rate is 5 cents per milliliter of consumable nicotine product.

Dates of last change: 5 cents per milliliter of consumable nicotine solution in 2014. Effective June 1, 2015. G.S. 105-113.35(a) (2014)

Use of Other Tobacco Products Tax Revenue - Summary

Revenue from 3 percent of the tax on the cost price of tobacco products is deposited in the state general fund, and the revenue from the remaining 9.8 percent of the tax on the cost price of tobacco products is deposited in the University Cancer Research Fund established pursuant to North Carolina General Statute section 116-29.1. Revenue from the separate e-cigarette products tax is deposited in the state General Fund. G.S. 105-113.40A (2014)

Prohibiting Youth Access to Tobacco Products

Law prohibits the sale of all tobacco products to persons under the age of 18, including tobacco-derived products or e-cigarettes. The law prohibits a person under the age of 18 to purchase or accept receipt, or attempt to purchase or accept receipt, of any tobacco products. Law requires photo identification checks, prohibits internet sales to minors, prohibits vending machines unless equipped with a lockout device, requires law enforcement supervision for compliance checks (except for federally required Synar compliance data), preempts stronger local laws, rule and ordinances that further restrict youth access to tobacco products. G.S. 14-313(c) (1997) and (2013)

State funding is \$300,000 recurring for enforcement of the state youth access to tobacco law.

Alcohol Law Enforcement has jurisdiction and primary responsibility to enforce G.S. 14-313 regarding youth access to tobacco products. SECTION 16B.3.(a) G.S. 143B-928 and SECTION 16B.3.(b) G.S. 18B-500(b)

Preemption of Point of Sale Regulations

State law preempts stronger state Executive Branch rules or executive orders and local government laws, rules and ordinances regarding the sale, distribution, display and promotion of tobacco products. G.S. 14-313(c) (1997) and (2013)

Child Resistant Packaging and Labeling for E-Liquid Containers

The statute makes it unlawful for any person, firm, or corporation to sell, offer for sale, or introduce into commerce in this State an e-liquid container unless the container constitutes child-resistant packaging. Also, an e-liquid container product containing nicotine must have package label stating that the product contains nicotine. G.S. 14-401.18A (2015)

Use of Tobacco Master Settlement Dollars - Summary

All annual Master Settlement Agreement (MSA) payments are allocated to the Settlement Reserve Fund, which is established in the state General Fund. All proceeds from ongoing litigation between the states and tobacco companies is also deposited into the Settlement Reserve Fund. Funds credited to the Settlement Reserve Fund shall be included in General Fund availability as non-tax revenue for the next fiscal year.

N.C. Session Law 1999-2 as amended by Session Law 2011-145 6.11(d), Session Law 2011-391 7(b) and S.B. 402 6.4 enacted and effective 7/26/13 and G.S. 143C-9-3 (2013)

FY19-20 State Funding:

- \$0 for evidence-based Tobacco Use Prevention Interventions.

- \$300,000 (Recurring) for enforcement of the state youth access to tobacco law.
- \$1,580,833 million (Recurring) for QuitlineNC
- \$269,167 (Recurring) for You Quit Two Quit program.